

JAN 03 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ZHONG et al.

Application No.: 09/917,438

Filed: July 27, 2001

Title: GEBPSG TOP CLAD FOR A PLANAR
LIGHTWAVE CIRCUITOffice of Petitions
Patent and Trademark Office

PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATIONMail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant hereby requests revival of the present application for unintentional abandonment. An Office Action mailed December 8, 2003 was not responded to by the attorney of record in the case. The assignee, Lightwave Microsystems, did not intend for this case to go abandoned and did not authorize the attorney handling this file to not respond to the Office Action. The entire delay in filing the required reply from the due date for the reply until the filing of the petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The assignee has transferred responsibility for this file to the undersigned firm, and a new power of attorney form will be filed in the immediate future.

Because the assignee did not intend to allow the case to go abandoned at any period of time, it is respectfully submitted that a delay in responding to the Patent and Trademark Office was unintentional.

Customer No. 24113
 Patterson, Thunte, Skaar & Christensen, P.A.
 4800 IDS Center
 80 South 8th Street
 Minneapolis, Minnesota 55402-2100
 Telephone: (612) 349-5740
 Facsimile: (612) 349-9266

Attorney Docket No. 3275.28US01

REQUEST FOR CONTINUED EXAMINATION
 (RCE) TRANSMITTAL

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of Application No. 09/917,438, filed July 27, 2001 for: GEBPSG TOP CLAD FOR A PLANAR LIGHTWAVE CIRCUIT, by: Fan Zhong and Michael Lennon.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- ☐ Please enter in the present application the unentered Amendment under 37 C.F.R. § 1.116, with any attachments, filed on _____ in said prior application.
- ☐ Consider the arguments in the Appeal Brief or reply Brief previously filed on _____
- ☐ Other _____
- b. ☒ Enclosed
- ☒ A Preliminary Amendment is enclosed. Claims added by this Amendment are properly numbered consecutively beginning with the number next following the highest numbered claim in the prior application.
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other _____

2. ☒ The filing fee is calculated below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra (Equals)	Small Entity Rate	Add'l Fee	OR	Large Entity Rate	Add'l Fee
Total	17	-(17)**	= 0	x 25	\$0		x 50	\$
Indep.	2	-(3)***	= 0	x 100	\$0		x 200	\$
RCE fee			=	+ 395	\$395		+ 790	\$
Multi. Dep.			=	+ 180	\$0		+ 360	\$
TOTAL					\$395.00	OR	TOTAL	\$

☐ First Presentation of Multiple Dependent Claim (MDC)

- * If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior Amendment or the number of claims originally filed.

PAGE 4/13 * RCVD AT 1/3/2005 5:23:42 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNS:8729308 * CSID:4049495731 * DURATION (mm:ss):03:32

10/06/2005 AKELLEY 00000004 160631 09917438

02 FC:2801 395.00 DA